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## TRANSMITTAL FORM

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Total Number of Pages in This Submission

3

Application Number

09/712,305

Filing Date

November 13, 2000

First Named Inventor

Hieu T. Nguyen

Art Unit

3764

Examiner Name

Jerome W. Donnelly

Attorney Docket Number

NUY 301

### ENCLOSURES (Check all that apply)

- Fee Transmittal Form
- Fee Attached
- Amendment/Reply
- After Final
- Affidavits/declaration(s)
- Extension of Time Request
- Express Abandonment Request
- Information Disclosure Statement
- Certified Copy of Priority Document(s)
- Reply to Missing Parts/ Incomplete Application
  - Reply to Missing Parts under 37 CFR 1.52 or 1.53

- Drawing(s)
- Licensing-related Papers
- Petition
- Petition to Convert to a Provisional Application
- Power of Attorney, Revocation
- Change of Correspondence Address
- Terminal Disclaimer
- Request for Refund
- CD, Number of CD(s) \_\_\_\_\_
- Landscape Table on CD

Remarks

- After Allowance Communication to TC
- Appeal Communication to Board of Appeals and Interferences
- Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
- Proprietary Information
- Status Letter
- Other Enclosure(s) (please identify below):

### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name

Kolisch Hartwell, P.C.

Signature

Printed name

Mark D. Alleman

Date

October 19, 2004

Reg. No. 42,257

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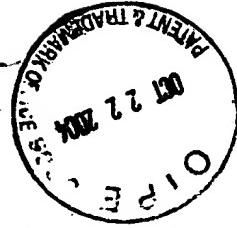
Typed or printed name

Josi Bridges

Date October 19, 2004

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In Re Application of:

Dated : October 19, 2004

Hieu T. Nguyen

Our Docket : NUY 301

Serial No. : 09/712,305

Group Art Unit: 3764

Filing Date : November 13, 2000

Examiner : Jerome W. Donnelly

For : EXERCISE APPARATUS

Commissioner for Patents

P.O. Box 1450

Alexandria, Virginia 22313-1450

Sir:

**RESPONSE TO RESTRICTION REQUIREMENT**

The following election and remarks are responsive to the Restriction Requirement dated September 22, 2004 restricting the above identified patent application and requiring election of a single group of claims for prosecution under 35 U.S.C. § 121. The action identified the following species.

Group I: Claims 4-47, 49-51 and 53-60

Group II: Claim 48

Applicant hereby elects Group I, corresponding to Claims 4-47, 49-51 and 53-60, for prosecution at this time.

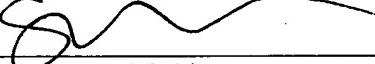


The Examiner is encouraged to telephone the undersigned if a telephonic interview may be helpful to a prompt resolution of any issues that may remain.

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Josi Bridges

Date of Signature: October 19, 2004

Respectfully submitted,  
KOLISCH HARTWELL, P.C.



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